

REMARKS

Restriction Requirements

Applicant has been requested to elect from the groups of Group 1, claims 1-15 or Group 2, claims 16-19. The Examiner has taken the position that currently there is no single inventive concept that links the two groups together. Applicant disagrees and requests reconsideration. Applicant provisionally elects Group I for prosecution. Currently, claims 1-15 are readable on Group I.

The Office Action stated that Groups I and II are related as sub-combinations disclosed as usable together in a single combination. It is further stated that the two groups are distinct from each other if they are shown to be separately usable. It was stated that Group I has separate utility such as a mirror parking mechanism without a **ramp surface** or **coil spring**. Group II has separate utility as a mirror parking mechanism without a **gear wheel, worm drive** or a **pair of arms**.

MPEP 1850 states:

unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more special technical features. The term "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions considered as a whole makes over the art.

With respect to applying the standard of unity of the invention to dependent claims, MPEP 1850 states further "unity of invention has to be considered in the first place only in relation to independent claims in an international application and not the dependent claims." Therefore, in the present case, if unity of the invention can be shown among independent claims 1, 9 and 16 of the present invention, then restriction based on PCT Rule 13.1 and 13.2 would be improper.

Applicant respectfully submits that claim 1 of the present application is a linking claim that establishes unity of invention between Groups I and II. With respect to claim 1, which is part of Group I, the Office Action stated that this particular group claims a “mirror parking mechanism without a ramp surface or coil spring.” Applicant is unsure what the Office Action is referring to regarding the “coil spring.” In Group II, the coil spring is introduced in dependent claim 17. As noted above, unity of invention must be common only among the independent claims of the various groups and **does not** require unity of invention among dependent and independent claims. Therefore, Applicant contends that in order for there to be unity of invention, there must only be a “spring” and not a “coil spring.” Both claim 1 and claim 16 clearly disclose a spring member. Furthermore, as stated above, unity of invention requires that there be a “technical relationship among claimed inventions involving one or more special technical features.” Technical features are defined as features that define a contribution which each of the inventions consider as a whole makes over the prior art. Applicant submits that for unity of invention purposes, whether the spring is a “coil spring” or not is unnecessary for defining around the art, thus rendering that particular element insignificant with respect to the unity of invention inquiry.

With respect to Group II’s claiming of a “ramped surface” and Group I’s claiming of a gear, both have the same special technical feature since the purpose of both elements is to rotate the mirror head when the detent is disengaged. For example, the seventh element of claim 1 states:

a motor to drive said worm drive wherein during the initial rotation of said worm drive said detent prevents rotation of said gear wheel which causes said worm drive to move longitudinally and push against said spring to in turn reduce the spring force applied to said detent to enable it to disengage whereupon continued rotation of said worm drive causes **said gear and mirror head to rotate.**

Similarly, the seventh element of claim 16 states:

a motor in a motor housing, wherein said housing is secured with respect to said mirror head, said roller rotated by said motor so that it moves along said ramped surface, said ramped surface positioned so that said motor housing and mirror head are first pushed away from said mirror mounting bracket to disengage said detent and **secondly to rotate said mirror head when said detent is disengaged.**

It is quite clear that the roller in ramp surface of Group II and the gear wheel, worm drive and pair of arms in Group I have a special technical features and would not be unduly burdensome to search as each of these elements serve the purpose of controlling the rotation or the pivoting action of the mirror housing. Therefore Applicant contends that there is unity of invention with respect to the gear wheel in Group I and the roller and ramped surface in Group II.

Regarding the "pair of arms" that is present in Group I but not in Group II. This is insignificant with respect to proving that there is unity of invention. The reason for this is that unity of invention exists if there is a technical relationship among the claimed inventions involving one or more special technical features. Since unity of invention has already been established with respect to the arguments above it is unnecessary to show unity of invention regarding the "pair of arms".

For these reasons, Applicant respectfully requests that the Examiner reconsider the Restriction Requirement and withdraw same in the present application.

Respectfully submitted,

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